

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**JOHN B. BERRY TRUSTEE**  
**Plaintiff**

**V**

**WPS, INC. ET AL**  
**Defendants**



**CIVIL ACTION NO. H-05-1101**  
**JURY**

**MOTION TO ALLOW FILING UNDER F.R.C.P. 15(d)**

Plaintiff, JOHN B. BERRY. TRUSTEE, and files this Motion to Allow Filing under Federal Rule of Civil Procedure 15(d).

I.

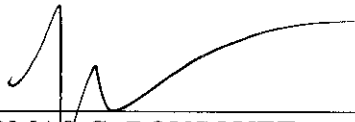
Plaintiff requests that he be allowed to file the attached Supplemental Petition for Injunctive Relief under F.R.C.P. 15(d) as Plaintiff will suffer irreparable harm if Defendant is allowed to dispose of insurance proceeds paid or payable under the insurance policy for damages and losses to the assets which were to be sold to Plaintiff and which are the subject of this suit.

II.

The harm to Plaintiff outweighs any harm to Defendant by the filing of such Supplemental Petition.

Respectfully Submitted:

**BOUSQUET & JACKSON, P.C.**  
**OF COUNSEL**

  
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**THOMAS G. BOUSQUET**  
Federal Court No. 3285

State Bar # 02717000  
5718 Westheimer #700  
Houston, Texas 77057  
(832) 251-3501  
(832) 242-5607(fax)  
ATTORNEY FOR PLAINTIFF

**CERTIFICATE OF CONFERENCE**

A conference has been held on the merits of this Motion:

- \_\_\_ I have been unsuccessful in my attempts to contact opposing counsel.
- \_\_\_ I have been unsuccessful in my attempts to discuss this matter with opposing counsel as said attorneys have not returned my telephone calls or responded to my letter.
- ✓ This matter has been discussed with opposing counsel and no agreement on this Motion could be reached.
- \_\_\_ Opposing counsel has agreed or is unopposed to Plaintiffs' request under this Motion.

  
\_\_\_\_\_  
THOMAS G. BOUSQUET

**CERTIFICATE OF SERVICE**

I certify that a true copy of the above document was served in accordance with the Federal Rules of Civil Procedure on Oct 11, 2005.

  
\_\_\_\_\_  
THOMAS G. BOUSQUET